

**IN THE DRAWINGS:**

Please replace the previously filed drawing Figures 1 and 2 with the clean version of the amended drawing Figures 1 and 2 attached hereto.

**IN THE CLAIMS:**

Please replace the claims with the attached amended claims.

Please add new Claims 8 and 9.

**REMARKS**

In the Office Action, dated October 8, 2004, the Examiner states that Claims 1-7 are pending and Claims 1-7 are rejected. By the present Amendment, Applicant amends the claims, and the drawings.

In the Office Action, the drawings are objected to for failing to show a first flat part as claimed. The Applicant respectfully disagrees with this objection. The Applicant submits herewith amended drawing Figures 1 and 2 on which construction lines have been drawn to more clearly differentiate the different parts of the device. The first flat part is identifiable on the drawings as the part 7, delimited partly by a ridge of the device and by the construction lines. Given that the element 6 in the form of a right angle is equally identifiable, and the first flat part is claimed as being a part of the right-angle element, while being in the same plane as the projections 4, there is no doubt on the amended drawings as to the location of the first flat part 7.

In the Office Action, Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph as being indefinite with regard to certain terms. The Applicant has amended Claims 1 and 3 to overcome the rejection. However, with regard to Claim 2, antecedent basis for "the two modules" may be found in the preceding Claim 1.

In the Office Action, Claims 1-3, 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Musall (US 2,349,983). Claim 4 and 5 are rejected under 35

U.S.C. §103(a) as being unpatentable over Musall in view of McPhee (US 5,363,619). The Applicant respectfully disagrees with and traverses these rejections.

Musall does not disclose a device consisting of two modules, but instead discloses a single plate to be arranged vertically upon the foundation bed (Musall, claim 1).

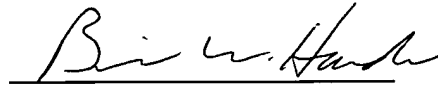
A basic feature of the presently claimed device is that it consists of two separate modules, allowing contraction and expansion of the concrete slabs on either side. Though different from Musall, this in itself is not unknown, see e.g. (McPhee), Fig. 11. The truly inventive concept of the present invention lies in the way in which the modules are connected to the concrete slabs, a connection which is necessary in order for the loads to be transferred from one side of the joint to the other. While this is usually done by dowels crossing the joint (e.g. McPhee, Fig. 11, ref. 56), the present invention provides projections 4 to perform this function (see description as filed, page 7, lines 30-31). The projections are underneath the joint, which allows for more efficient construction. Contrary to dowels, the projections 4 easily remain in place during casting. Musall does not appear to be using dowels, but rather projections 4a, 4b at the top of the device. Nevertheless, the fact that only one plate is used makes the concept of Musall fundamentally different. In order to produce a spaced joint, Musall requires a deformation of parts of the plate over an angle  $\alpha$ , as well as the application of additional metal sheets 14, 16 (Musall, page 2, col. 1, lines 34-69). This is clearly a different and a more complex approach.

With regard to the McPhee reference, it is to be noted that the dowels 56 (Fig. 11) do not represent temporary fixing means, but serve to take care of the load transfer (McPhee, col. 4, lines 61-64).

Since Musall does not disclose the claimed two module construction, nor the projections, the Applicant considers the rejection to Claim 1 and the claims dependent thereon overcome.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brian W. Hameder", written over a horizontal line.

February 8, 2005

Date

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